



Jordan D. Weiss
+1 212 459 7227
jweiss@goodwinlaw.com


Goodwin Procter LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018

goodwinlaw.com
+1 212 813 8800

MEMO ENDORSED

April 10, 2023

The request to adjourn the show cause hearing scheduled for Tuesday, April 11, 2023, at 11 a.m. is granted. DSE shall answer or otherwise respond to the complaint by May 26, 2023. IT IS SO ORDERED.



Edgardo Ramos, U.S.D.J.
Dated: April 10, 2023
New York, New York

VIA ECF

The Honorable Edgardo Ramos
U.S. District Judge
U.S. District Judge for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Esperion Therapeutics, Inc. v. Daiichi Sankyo Europe GmbH, Case No. 1:23-cv-02568

Dear Judge Ramos:

On behalf of Plaintiff Esperion Therapeutics, Inc. ("Esperion") and Defendant Daiichi Sankyo Europe GmbH ("DSE"), please find the below joint-statement reflecting the parties' agreement relating to the Order to Show Cause For Service of Process by Email on Defendant (Dkt. 13).

On April 3, 2023, Esperion submitted a memorandum and proposed order to show cause asking the Court to authorize service via email on DSE. Prior to that submission, Esperion had been discussing the subject matter underlying the litigation with DSE's counsel at White & Case. However, unbeknownst to Esperion, DSE did not engage White & Case to act as litigation counsel in connection with Esperion's Complaint. Accordingly, when White & Case informed Esperion on March 30 that it was not authorized to accept service on behalf of DSE, it was not DSE refusing to accept service as Esperion initially understood. After Esperion's motion was filed, on April 5, 2023, DSE's litigation counsel contacted Esperion's counsel and cleared up the misunderstanding. The parties worked cooperatively and have agreed that service on DSE has been accomplished and that DSE, with the Court's approval, will respond to the Complaint on or before May 26, 2023. This agreement moots Esperion's request for service by email and the parties jointly request that the Court cancel tomorrow's show cause hearing (Dkt. 13) and order that DSE respond to the complaint on or before May 26, 2023.



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Respectfully Submitted,

/s/ Jordan D. Weiss

Jordan D. Weiss
Goodwin Procter LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018
(212) 813-8800
JWeiss@goodwinlaw.com

cc: Jeremy Cole, Jones Day, Counsel for Daiichi Sankyo Europe GmbH (jpcole@JonesDay.com)